

AN ORDINANCE

101813

**AUTHORIZING THE CITY MANAGER, THE CITY MANAGER'S DESIGNEE, OR THE DIRECTOR OF HUMAN RESOURCES TO EXECUTE ANY AND ALL INSTRUMENTS AND DOCUMENTS REQUIRED TO ESTABLISH AND ADOPT A RETIREMENT HEALTH SAVINGS (RHS) TRUST AND PLAN IN THE FORM OF THE ICMA RETIREMENT CORPORATION'S VANTAGECARE RETIREMENT HEALTH SAVINGS PLAN AND TO EXECUTE ANY AND ALL INSTRUMENTS AND DOCUMENTS REQUIRED TO AMEND THE ADMINISTRATIVE SERVICES AGREEMENT WITH ICMA RETIREMENT CORPORATION TO PROVIDE FOR THE ADMINISTRATION OF THE RETIREMENT HEALTH SAVINGS (RHS) TRUST AND PLAN.**

\* \* \* \* \*

**WHEREAS**, the establishment of a retiree health savings plan for employees serves the interests of the City of San Antonio by enabling it to provide reasonable security regarding such employee's health needs during retirement, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

**WHEREAS**, the City of San Antonio has determined that the establishment of a retirement health savings plan (the "Plan") for retirees eligible to participate in the Retirement Incentive Initiative and to implement the provisions of any separation/retirement agreement between the City and any employee serves these objectives; **NOW, THEREFORE**;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City of San Antonio hereby adopts a retiree health savings plan for retirees eligible to participate in the Retirement Incentive Initiative and for any employee with a separation/retirement agreement providing for a retirement health savings plan. Such plan shall be in the form of the ICMA Retirement Corporation's VantageCare Retirement Health Savings Program. A copy of the plan is included in Attachment A. The City Manager, the City Manager's designee, or the Director of Human Resources are hereby authorized to execute any and all instruments and documents required to establish and adopt such Retirement Health Savings (RHS) trust and plan in the form of the ICMA Retirement Corporation's VantageCare Retirement Health Savings Plan, including but not limited to the documents attached hereto as Attachment A.

**SECTION 2.** The assets of the Plan shall be held in trust, with the City of San Antonio serving as trustee, for the exclusive benefit of Plan participants and their beneficiaries, and the assets of the Plan shall not be diverted to any other purpose prior to the satisfaction of all liabilities of the Plan. The City Manager, her designee, or the Human Resources Director are authorized to execute the Declaration of Trust of the City of San Antonio in the form of the model trust made available by the ICMA Retirement Corporation, a copy of which is included in Attachment A.

**SECTION 3.** The Director of Human Resources shall be the coordinator for the Plan and shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation.

**SECTION 4.** The City Manager, her designee, or the Human Resources Director are authorized to execute any and all instruments and documents required to amend the Administrative Services Agreement with ICMA Retirement Corporation to provide for the administration of the Retirement Health Savings (RHS) trust and plan. A copy of the Administrative Services Agreement Addendum for the VantageCare Retirement Health Savings Plan is included in Attachment A.

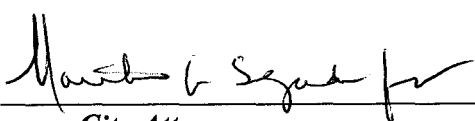
**SECTION 5.** The City Manager, her designee, and the Human Resources Director are authorized to execute the documents authorized above in substantially final form as attached hereto in Attachment A. If said documents are not finalized and executed within forty five days of adoption of this ordinance or if the finalized and executed documents are not substantially in the form attached hereto, there shall be no authority to execute such documents without subsequent City Council authorization.

**SECTION 6.** This ordinance is effective immediately upon passage by eight (8) affirmative votes; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

**PASSED AND APPROVED** this 1<sup>st</sup> day of December, 2005.

  
M A Y O R  
For PHIL HARDBERGER

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney

# Agenda Voting Results

**Name:** 53.

**Date:** 12/01/05

**Time:** 09:09:11 PM

**Vote Type:** Multiple selection

**Description:** An Ordinance authorizing the City Manager, the City Manager's designee, or the Director of Human Resources to execute any and all instruments and documents required to establish and adopt a Retirement Health Savings (RHS) trust and plan in the form of the ICMA Retirement Corporation's VantageCare Retirement Health Savings Plan and to execute any and all instruments and documents required to amend the Administrative Services Agreement with ICMA Retirement Corporation to provide for the administration of the Retirement Health Savings (RHS) trust and plan. [Presented by Sharon De La Garza, Director, Human Resources; Frances A. Gonzalez, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3	Not present			
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8	Not present			
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR	Not present			